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10/057,048	01/23/2002	Steven C. Robertson		3434

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EXAMINER
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SALLIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3628

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08/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/057,048	<b>Applicant(s)</b> ROBERTSON ET AL.	
	<b>Examiner</b> SHANNON S. SALIARD	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of Claims*

1. Applicant has amended claims 17-, 20, and 24-27. Claims 1-16 have been cancelled. No claims have been newly added. Thus, claims 17-27 remain pending and are presented for examination.

### *Response to Arguments*

2. Applicant's arguments filed 05 May 2009, with respect to the rejections of claims 26 and 27 under 35 U.S.C. 101, have been fully considered and are persuasive. Thus, the rejections of claims 26 and 27 under 35 U.S.C. 101 has been withdrawn.

3. Applicant's arguments filed 05 May 2009 have been fully considered but they are not persuasive.

4. Applicant argues, "Quackenbush does not disclose the requisite luggage transport service site." However, Examiner disagrees. The only requirement in the claim for the luggage transport service site is that it is connected to a server over a distributed network wherein an application of the luggage transport server receive and store luggage travel segment data from a user. Accordingly, at col 3, lines 46-60, Quackenbush discloses, "In a preferred embodiment, while purchasing airline tickets, users are provided the option of arranging for the pick-up and delivery of their personal baggage. As described more fully below, when a user chooses this option, **the user links to a second baggage-delivery Web site 310 dedicated to baggage delivery. Typically, Web site 310 is maintained by a server computer 312 having a database**

Art Unit: 3628

**314. Database 314 stores baggage identification information (e.g., baggage claim numbers) in linked relation to a final delivery location specified by the traveler.**

Alternatively, users can directly access the baggage delivery Web site 310 to make arrangements for the transportation of their baggage. After making baggage transportation arrangements, users can check the status of their baggage (e.g., delivered or not delivered) by accessing Web site 310 via conventional computer 302, conventional telephone 304, or wireless device 306, as described below. Since the Baggage Direct Website 310 of Quackenbush is connected to a server over a distributed network wherein an application of the luggage transport server receive and store luggage travel segment data from a user is that handles baggage for each airline, Quackenbush's Baggage Direct Website is equivalent to Applicant's luggage transport service site.

5. Applicant further argues, "Website 310 does not run client application, and the Examiner is not correct in assuming that a client application enables interaction between user and Website 310 or any other luggage carrier website. "Client" application in this case refers only to a luggage transport client application that interacts with a corresponding luggage transport "server" application on a luggage transport service site." Examiner asserts that an application is software or a computer program that functions and is operated by means of a computer, with the purpose of supporting or improving the software user's work. Since the users are interacting with the various websites, it is obvious that there is some type of software being utilized to perform the interactions.

Art Unit: 3628

6. Applicant also argues, "There is no corresponding claim element for Quackenbush's Airline Website, and the interaction between Website 310 and the airlines is irrelevant to the pending claims. The claims speak only to the interaction between a centralized luggage transport service and the various luggage carriers, none of whom are airline. Thus, the functionality of Quackenbush's Website 310 and the airline is not at all the same as Applicant's claimed luggage carrier luggage transport client application and the luggage transport service server application." However, the Examiner asserts that the no where in the claim does the claim require that the luggage carriers not be airlines. In fact, it is old and well known in the airline industry at the time of the invention that airlines are luggage carriers. The claim requires that the luggage carriers have a site that is connected to a distributed network and runs a server application to provide online services to the user and the luggage carrier be operatively connected to a computer running a luggage transport client application. Accordingly, Quackenbush shows in Figure 3 that Airline Website 308 is connected to a distributed network and that the Airline Website 308 is operatively connected to a computer running a luggage client application [col 3, lines 36-47; website via a communications network such as the Internet; while purchasing tickets user is provided the option of linking to a secondary luggage delivery website; Examiner interprets secondary luggage delivery website to also mean that the airline website is the primary luggage carrier website) . Quackenbush further discloses that the Airline Website 308 provides online services to a user [col 3, lines 36-47]. While Quackenbush does not explicitly state that there is a server application, it is known that for computers to communicate with one another an

Art Unit: 3628

application is used. Thus, Quackenbush discloses the required elements of Applicant's claim.

7. Applicant argues, "The Examiner also appears to confuse the luggage service's user interface (for communicating with a user) with the luggage service's client application (for communicating with the luggage transport service), and seems to be referring to these two different communication systems as 'mere duplication of parts' and says that 'mere duplication of parts has no patentable significance', and cites for this case of *In re Harza*, 124 USPQ 378 (CCPA 1960)." However, the Examiner notes that the Applicant has mischaracterized the Examiner's rejection of the claim limitation. The Examiner has cited to column 3, lines 46-55 of Quackenbush to show that a luggage carrier has a website and runs a client application to interact with a luggage transport server application, as required in the claim. While Quackenbush discloses one luggage carrier website, Quackenbush does not explicitly disclose that there is a plurality of luggage carrier website. However, the Examiner provided a citation to the case of *In re Harza*, 124 USPQ 378 (CCPA 1960) to substantiate that merely duplicating one website for the effect of a plurality of websites has no patentable significance unless it produces a new and unexpected result.

8. Applicant also argues, with respect to the rejection of claims 24-25, "Quackenbush does not have these features and no combination of cited references teaches them." However, the Examiner disagrees. Quackenbush discloses that a member may login to the baggage website to retrieve member information and create new transaction record (col 5, lines 13-52). Since the member has to login to retrieve

Art Unit: 3628

info and create a new record, the stored info is considered to be "stored family member profile input" that has been modified. Further the term "family member" is merely descriptive of the type of input. Thus, whether the input is user profile input or "family member profile" input does not impart any structural limitations on the claimed subject matter.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 17-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al [US Patent 6,512,964] in view of Lanigan, Sr. [US 2003/0061085] and Barni et al [US 6,920,429].

As per **claims 17 and 26**, Quackenbush et al discloses a system for providing pickup and delivery of luggage over a distributed network, the system comprising:

a luggage transport service running a luggage transport service site (BaggageDirect Website 310) operably connected to at least one computer server connected to the distributed network [see Fig. 3, "312:"]; the server running a luggage transport server application [col 3, lines 47-50, Examiner interprets an application to be software that enables interaction between two computers];

a plurality of user input/output devices operatively configured to access an online service over the distributed network [Fig. 3, “302”, “306”; col 3, lines 39-45];

the luggage transport server application operatively connected to data storage residing on computer readable media [Fig. 3, col 3, lines 50-54], and

the luggage transport server application operatively connected to data storage residing on computer readable media, and the luggage transport server application configured to : receive and store luggage travel segment data from a user [col 4, lines 13-52, prompts user for location from which bags is to be picked up and delivered and database is updated].

Quackenbush et al does not explicitly disclose a plurality of luggage carriers each having one or more sites, for each luggage carrier, a site operatively associated with at least one computer connected to the distributed network running at least one server application to provide online service to users over the distributed network, and for each luggage carrier, a site operatively associated with at least one computer connected to the distributed network running at least one luggage transport client application operatively configured to interact over the distributed network with the luggage transport server application. However, Quackenbush et al discloses a luggage carrier having a site, the site operatively associated with a computer connected to the distributed network running at least one server application to provide online service to users over the distributed network [Fig. 3, Airline Website; “308”, airlines are known traditionally to be luggage carriers, col 3, lines 46-55; Examiner interprets secondary luggage delivery website to also mean that the airline website is the primary luggage carrier website].

Art Unit: 3628

While Quackenbush does not disclose a plurality of luggage carriers, mere duplication of parts has no patentable significance unless a new and unexpected result is produced, see *In re Harza*, 124 USPQ 378 (CCPA 1960). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the luggage transport system of Quackenbush et al to include a plurality of luggage carriers each having sites and running a luggage transport client for a multiple effect and/or to accommodate all interested parties with no new and unexpected result.

Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected luggage carrier; output selected luggage travel segment data to the selected luggage carrier.

However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024].

Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that the website may be mirrored at additional servers in the network [col 4, lines 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly desirable to provide an improved online business method wherein customers can obtain

Art Unit: 3628

cargo rates from one or more freight forwarders without having to visit multiple third party sites and manually comparing the information during such searching [col 1, lines 52-66].

As per **claim 18**, Quackenbush et al does not disclose wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected luggage carrier; output luggage travel segment data to the user. However, Barni et al discloses that a carriers post published rates for transporting cargo and that a rate quote for a shipping lane is displayed to the user through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. Barni et al provides the motivation that providing this information to the customer allows them the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company websites [col 5, lines 21-24].

As per **claims 19 and 27**, Quackenbush et al does not disclose wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected luggage carrier; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner. However, Barni et al discloses that after a carrier has entered

Art Unit: 3628

appropriate bid information, the bid is posted wherein the bid is displayed to the user and the user can accept the bid by highlighting the appropriate row in the table and then a conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner so that the user can receive the most competitive rates.

As per **claim 20**, Quackenbush et al discloses a system for providing pickup and delivery of luggage across multiple service providers over a distributed network, the system comprising: at least one computer server connected to the distributed network [see Fig. 3], the server running a luggage transport server application [col 3, lines 47-50, Examiner interprets an application to be something that enables interaction between user and website]; a plurality of user input/output devices operatively configured to access an online service at a service partner site [Fig. 3, col 3, lines 39-45]; the luggage transport server application operatively connected to data storage residing on computer readable media [Fig. 3, col 3, lines 50-54], and the luggage transport server application configured to: receive and store luggage travel segment data from a user [col 4, lines 13-52, prompts user for location from which bags is to be picked up and delivered and database is updated]. Quackenbush et al does not explicitly disclose a plurality of

Art Unit: 3628

luggage carrier each having sites, each partner associated computer also running at least one luggage transport client application. However, Quackenbush et al discloses a service partner having a site, the site operatively associated with a computer connected to the distributed network, the service partner associated computer running at least one server application to provide online service to users over the distributed network [col 46-55]. Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected service partner; output selected luggage travel segment data to the selected service partner; receive and store luggage travel segment data from the selected service partner; and output luggage travel segment data to the user. However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that the website may be mirrored at additional servers in the network [col 4, lines 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly desirable to provide an improved online business method wherein customers can obtain cargo rates from one or more freight forwarders without having to visit multiple third

Art Unit: 3628

party sites and manually comparing the information during such searching [col 1, lines 52-66]. Barni et al further discloses that a carriers post published rates for transporting cargo and that a rate quote for a shipping lane is displayed to the user through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. Barni et al provides the motivation that providing this information to the customer allows them the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company websites [col 5, lines 21-24].

As per **claims 21-23**, Quackenbush et al does not further disclose wherein the luggage transport server application is further configured to: programmatically match a luggage travel segment to a plurality of selected service partners; output selected luggage travel segment data to the plurality of selected service partners; receive and store luggage travel segment bid data from each service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment's bid acceptance data from the user; output luggage travel segment's bid acceptance data to the plurality of service partners. However, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that after a carrier has entered appropriate

Art Unit: 3628

bid information, the bid is posted wherein the bid is displayed to the user and the user can accept the bid by highlighting the appropriate row in the table and then a conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner so that the user can receive the most competitive rates.

11. As per **claims 24 and 25**, Quackenbush et al does not explicitly disclose further comprising the luggage transport server application operatively connected to a data storage residing on computer readable media, and the luggage transport server application configured to: receive and store family member profile input and modification data from the user. However, Quackenbush et al discloses that a member may login to the baggage website to retrieve member information and create new transaction record (col 5, lines 13-52, Examiner interprets member login to retrieve info to mean that member profile is stored and updated). Since the member has to login to retrieve info and create a new record, the stored info is considered to be "stored family member profile input" that has been modified. Further the term "family member" is merely descriptive of the type of input. Thus, whether the input is user profile input or "family member profile" input does not impart any structural limitations on the claimed subject

Art Unit: 3628

matter. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush to include family profile input since the type of input does change the does not change the subjective interpretation of the claim; thus, the type of input does not patentably distinguish the claimed invention.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Shannon S Saliard  
Examiner  
Art Unit 3628

Application/Control Number: 10/057,048

Page 16

Art Unit: 3628

/S. S. S./

Examiner, Art Unit 3628

/Igor N. Borissov/

Primary Examiner, Art Unit 3628